

IN THE UNITED STATES DISTRICT COURT FOR NORTHERN
DISTRICT OF ILLINOIS
EASTERN DIVISION.

RECEIVED

7-7-2008
JUL 7 2008 *ant*

Miguel Rivera #64650.

PLAINTIFF,

-VS-

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

08cv3848
JUDGE HOLDERMAN
MAG. JUDGE ASHMAN

CASE No.

Hon. Judge Edward Fiala,
Hon. Judge Marjorie Laws, C.
ATTY. FRANK, Edwards and A/S/A. Skipper, Pfeifer,
Det. Robert, Chomias AND C/O J. Valencia,
Det. KAREN, Skipper,
DEPT. of Chicago F.B.I. And Agent Jeff,
Donald, Carson, - Heather, Carson,
STATES. ATTY. Dan, Tiernan, AND
STATES. ATTY. ARUNAS, BUNTINAS,
Public Defender. Monica, Johnson, AND Ms. Lynn, Wilson, and.
TODD, A SHANKER, - Andrea, Monsees, Lester, SINKLE,
Chief of The Fourth Year, FL States Attorney-offices,
Chief of The Public Defenders-offices:
Ms. Viziak, Roberts, AND OFFICIAL COURT-Reporter.
CLAUDIA M. Lemon, CSR, AND Kenneth, Haddock,

Defendants,



COMPLAINT IS UNDER THE CIVIL RIGHTS ACT

TITLE 42 SECTION 1983 U.S. CODE.

CASE OF WRONGFUL CONVICTION AND
WRONGFUL SENTENCING,

I.

PLAINTIFF: MIGUEL RIVERA, #64650, IS PRESENTLY INCARCERATED AT PENITENTIARY OF ~~NEW MEXICO~~ NM Correctional Facility. ~~138-9-10344~~. P.O. Drawer-1051, Los Lunas, New Mexico 87508-1530, Santa Fe,

II.

DEFENDANT. Judge: Edward, Fiala, is AN COURT Judge AT The U.S. CRIMINAL COURT House of Cook County AT 2650 S. CALIFORNIA AVE. Room 600, CHICAGO, Illinois. 60608. AND AS SUCH IS THE HEARING Judge OF COURT-REPORT OF PROCEEDINGS OF DECEMBER *12th day. AND SAID TRIAL Judge ON *13th day OF DECEMBER OF 2001, AND IS ULTIMATELY RESPONSIBLE FOR SAID WRONGFUL - CONVICTION. AND, WRONGFUL SENTENCING WITH AN EXTENDED TERM OF THREE COUNTS OF KIDNAPPING CONCURRENT OF 40 YEARS - 5 YEARS TERM FOR ONE COUNT OF AGGRAVATED BATTERY, AT 85% AN SAID Judge. HE IS BEING SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY,

DEFENDANT. Judge: Marjorie C. LAWS, IS AN COURT Judge AT The U.S. CRIMINAL COURT House of Cook County AT 2650 S. CALIFORNIA AVE. Room 300, Chicago, Illinois, 60608. AND AS SUCH IS THE HEARING Judge PRESIDING ON PETITION FOR POST-CONVICTION RELIEF, OF CASE 01-CR-2646. AND AS SUCH IS RESPONSIBLE FOR NOT REVIEWING NOR INVESTIGATING SAID POST-CONVICTION CAUSE, AND DISMISSING SAID POST-CONVICTION RELIEF ON SEPTEMBER-14th day OF 2006, WITHOUT CALLING THE I.B.I. NOR JULERY WITNESS MS. SHARON, LUNN, AND MS JENNIFER, SCHUMAL, NOR DET'S ROBERT ^{CLEMENS} ~~CLAYTON~~, AND DET'S KAREN, SKIPPER, NOR THE INVESTIGATING ~~AS~~ ASA - SKIPPER #20598 ON JAN 11th 2001. AND NOT INVESTIGATING POLICE REPORTS FROM POLICE IN FOURTH MYEARS FL. NOR STATES ATTORNEY'S OFFICE, AND ALLOWING THE ~~BA~~ PUBLIC DEFENDER ANDRAKA MONSEES, NOT TO CONDUCT AN INVESTIGATION NOR QUESTIONING AND SUBPENA EACH OF THEM FOR CAUSE. AND Judge IS ULTIMATELY RESPONSIBLE, AND BEING SUED IN HER OFFICIAL AND INDIVIDUAL CAPACITY,

DEFENDANT. Attorney. FRANK, EDWARDS IS THE TRIAL ATTORNEY FOR THE DEFENDANT. MIGUEL, RIVERA, IN CASE NO. 01-CR-2646. THAT WAS INEFFECTIVE ASSISTANCE OF COUNSEL, IS AN ATTORNEY LAW OFFICE AT #4637 So. Lake Park, Chicago, Illinois. 60653, AND SUCH IS INVOLVED IN FAILING TO INTRODUCE EVIDENCE SUCH LETTERS PROVEN THAT THEIR WASNT NO KIDNAPPING. BEFORE TRIAL AND AT TRIAL, AND HE NEVER RETURN THE EVIDENCE BACK TO MR. M. RIVERA. AND IS ULTIMATELY RESPONSIBLE FOR THIS WRONGFUL - CONVICTION - AND A WRONGFUL - SENTENCING,

Defendant. Det. Robert, CLEMENS, is AN Chicago Police officer At The AREA Three violent crimes -unit At The Chicago Police department 2452 W. Belmont Ave. Chicago, Illinois, 60618. AND AS SUCH IS THE ARRESTING OFFICER OF THIS WRONGFUL CHARGE'S OF THREE COUNTS OF KIDNAPPING, FROM Florida To Chicago AND CALLING THE CHICAGO'S F.B.I. UNLAWFUL SERGE, BY FORCE WITH Det. KARN, SKIPPER, F.B.I. Mr. JEFF, FOR A CRIME THAT WAS NOT COMMITTED. AND SUCH IS ULTIMATELY RESPONSIBLE FOR WRONGFUL ARREST AND WRONGFUL CHARGE'S, HE IS BEING SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY,

Defendant. Det. KARN, SKIPPER, is AN Chicago Police officer At AREA Three violent crimes -unit, At The Chicago's Police department 2452 W. Belmont Ave. Chicago, Illinois. 60618. AND SUCH IS ULTIMATELY RESPONSIBLE FOR WRONGFUL ARREST AND WRONGFUL CHARGE'S OF THREE COUNTS OF KIDNAPPING. AND PROHIBITEDING STATEMENTS AND OTHER Police Reports, Along with Det. Robert, CLEMENS, AND THE F.B.I. - AGENT - Mr. JEFF, FOR A CRIME OF KIDNAPPING THAT WAS NOT COMMITTED. AND DOING UNLAWFUL SERGE. BY FORCE. SHE IS BEING SUED IN HER OFFICIAL AND INDIVIDUAL CAPACITY,
De

Defendant. C/o, J. VALENCIA, is AN CHICAGO Police officer At The AREA Three At 2452 W. Belmont Ave. Chicago's Police department IN Chicago, Illinois. 60618. AND AS SUCH IS THE TESTIFYING OFFICER AT TRIAL - STATING HE DIDN'T KNOW IF THEIR WAS AN KIDNAPPING. CHARGE'S, DUE TO HEATHER, CARSON'S, STATEMENTS. WITH Det. KARN, SKIPPER, THAT SHE WENT TO LIVE WITH MIGUEL RIVERA, WILLINGLY AS A FAMILY WITH her Two children - Nicholas, AND Isaiah. AND Ms. H. CARSON, TESTIFY TO A TRIAL OPEN COURT AND JURY PEOPLE ON December 13th. 2001. THAT SHE AND TWO CHILDREN LIVED WITH MR. M. RIVERA. AND AS IS ULTIMATELY RESPONSIBLE FOR WRONGFUL Police Reports, HE IS BEING SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY,

Defendant. A-S-A-^{PREPARED 2015-2108} ~~PREPARED~~ ~~2015-2108~~, IS THE STATE ATTORNEY THAT INTERVIEW MR. M. RIVERA IN LOCKUP WITH Dets K. SKIPPER, SAID STATES ATTORNEY IS TO BE AT THE OFFICE OF 2650 S. CALIFORNIA. AVE. IN CIRCUIT COURT Chicago, Illinois. 60608, AND AS SUCH IS ULTIMATELY RESPONSIBLE FOR help bein The Chicago's Police Dets. ~~the~~ SETUP RIVERA ON WRONGFUL CHARGE'S, WITH THE F.B.I. Mr JEFF, Nad Det. Robert, CLEMENS, she is being sued in ~~the~~ Her OFFICIAL AND INDIVIDUAL CAPACITY

DeFendant. Donald, Carson, is The Father. of Heather, Carson, is At 828 Paplar Lane. in BOOLENYBROOK, Illinois. 60440. AND AS SUCH IS ULTIMATELY RESPONSIBLE FOR WRONGFUL-TESTIMONY AT TRIAL TO A CRIME OF KIDNAPPING FOR THE STATES ATTORNEY'S OFFICE THAT WAS NOT COMMITTED NOR ACCUSED FOR, AND HE PERJURY HIMSELF AS HEATHER, CARSON, did ON THE TRIAL STAND ON Dec 13th '2001. AND he is being sued in his OFFICIAL AND INDIVIDUAL CAPACITY,

DeFendant. Heather, CARSON, is At The Father's Home At 828-Paplar Lane. in BOOLENYBROOK, Illinois. 60440. OR At C/o. Doreen, O'DAY 1031 14th St. S. Wisconsin Rapids, WI 54494. AND AS SUCH IS BEING SUEd ON UNLAWFUL TESTIMONY AND PERJURY UNDER OATH AFTER STATING TWO JURY LADIES. Ms. Sharon, Lunn, -- JENNIFER, SCHUMAL, she weren't kidnaped they lived with MR. RIVERA. Judge. Mr. FIALA, then STATED TO THE COURT REPORT TO STRIKE THAT? THEN THE JURY LADIES REMOVED THEMSELVES FROM THE JURY, AND SHE IS BEING SUEd IN her INDIVIDUAL CAPACITY.

DeFendant. STATES ATTORNEY. Dan, TIERNAN, is The STATE'S ATT. OFFICE AT THE CIRCUIT COURT OF COOK COUNTY, 2650 S. CALIFORNIA AVE. IN CHICAGO, Illinois. 60608., AND AS SUCH IS ULTIMATELY RESPONSIBLE FOR TAPERING ~~the~~ TRIAL JURY. AND WRONGFUL-convictions AND WRONGFUL-~~setee~~ SENTENCING. Along with Judge. Edward, FIALA, AND TRIAL ATT. FRANK, Edwards, AND STATE'S ATT. ARUNAS, - BUNTINAS, P.D. MONICA, JOHNSON, AND He is being sued in his OFFICIAL AND INDIVIDUAL CAPACITY.

DeFendant. STATES-ATTY. ARUNAS, BUNTINAS, is The STATE'S ATT. OFFICE AT THE CIRCUIT COURT OF COOK COUNTY, 2650 S. CALIFORNIA-AVE. IN CHICAGO, Illinois. 60608., AND AS SUCH IS ULTIMATELY RESPONSIBLE FOR JURY-TAPERING AT TRIAL. AND FOR WRONGFUL-CHARGES AND CONVICTIONS. AND SENTENCING, Along with Judge. Edward, FIALA, AND TRIAL ATT. FRANK, Edwards, AND STATE'S ATT. Dan, TIERNAN, P.D. MONICA, JOHNSON, AND He is being sued in his OFFICIAL AND INDIVIDUAL CAPACITY.

DeFendant. Monica, Johnson, is A.P.D. ATTY. AT The Cook County - PUBLIC DEFENDERS. OFFICE IN THE CIRCUIT COURT OF COOK COUNTY, AT 2650 S. CALIFORNIA AVE. IN CHICAGO, ILLINOIS. 60608. AND AS SUCH IS ULTIMATELY RESPONSIBLE FOR HELPING THE STATES ATTORNEYS OFFICE AND TRIAL JUDGE. EDWARD, FIALA, AND TRIAL ATTY. FRANK, EDWARDS, FOR FIXING A WRONGFUL-CONVICTIONS. AND WRONGFUL SENTENCING OF WRONGFUL-CHARGES OF KIDNAPPING. AND FOR FAILING TO DO A INVESTIGATION AND FOR PROHIBITING EVIDENCE SUCH AS LETTERS. INTO COURT AND TRIAL, WHEN SHE WAS REMOVED FROM THE CASE IN JUNE OF 2001. AND SHE IS BEING SUED IN HER OFFICIAL AND INDIVIDUAL CAPACITY.

DeFendant. TODD, SHANKER, is A.P.D. ATTY. AT The PUBLIC DEFENDERS. OFFICE AT 69 W. WASHINGTON. 15TH. FLR. CHICAGO, ILLINOIS 60602. AND AS SUCH IS ULTIMATELY RESPONSIBLE FOR NOT DOING A INVESTIGATION IN SAID WRONGFUL CHARGES. AND WRONGFUL CONVICTIONS, AND THROWING THE FIRST APPEAL FOR THE STATES ATTORNEYS OFFICE. AND HE IS BEING SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

DeFendant. Andrea, Monsees, is A.P.D. ATTY. COOK COUNTY PUBLIC - DEFENDERS OFFICE AT 69 W. WASHINGTON. 15TH. FLR. CHICAGO, ILLINOIS 60602. AND AS SUCH IS ULTIMATELY RESPONSIBLE FOR REFUSING TO CONTACT WITNESS. AND JURY LADYS. SHARON, LUNN, -- JENNIFER, SCHUMAL, THAT WILL GIVE STATEMENT TO HER BEING A JURY PARTS. AND WILL TESTIFY IN OPEN COURT, THEIR WASNT (NO) KIDNAPPING COMMITTED. SHE REFUSE TO INVESTGATE THE F.B.I. AND DETS. ROBER, CLEMONS, KARN, SKIPPER, THE EVIDENCE IN FRUTH MYER, FLORIDA STATE ATTY. OFFICE THAT HAVE PROVE. WITH THE LEE COUNTY POLICE. THAT (NO) THAT THEIRS NO-KIDNAPPING OR ARREST FOR, AND THIS PUBLIC DEFENDER IS DEFENDANTING MONICA, JOHNSON, AND REFUSE TO INVESTGATE JUDGE. EDWARD, FIALA, AND ATTY. FRANK, EDWARDS, AND A DOCTOR IS A WITNESS. THE CAUSE OF BEING HEATHER AND MIGUEL DOCTOR, AND SHE AND JUDGE. LAWS, REFUSE TO GIVE DISCOVERY AND ALL POLICE REPORTS AND STATEMENTS. AND AS SUCH IS BEING SUED IN HER OFFICIAL INDIVIDUAL CAPACITY.

DeFendant. LESTER, SINKLE, IS THE HEAD PRISON. OR HEAD OF ALL PUBLIC DEFENDERS OFFICE OF ATTORNEYS. COOK COUNTY AT 69 W. - WASHINGTON. ST. 15TH. FLR. CHICAGO, ILLINOIS. 60602. AND AS SUCH IS ULTIMATELY RESPONSIBLE FOR SAID PD'S ATTORNEYS ON CASE'S. OL CR - 26460 AND 06-2788. WRONGFUL-CONVICTION AND WRONGFUL SENTENCING SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY,

Defendant, Chief of the Forth Myers Florida State's Attorney's Office At Forth Myers Lee County Court house, ON Dr. L. King Bld. in Forth Myers FL. And as such is ultimately Responsible For The Arrest of Hit And Run in a Car. And out of State hit on a ABB - Battery Fat From Chicago, Illinois. And As Attorney's Office did A investigation. Heather Carson, stated she And kids we'rent kidnapp. They Lived with Miguel Rivera, And as such is being sued For with holding ALL Police Reports. And STATEMENTS. And as st such is being sued in their official individual CAPACITY.

Defendant. Vicik, Rogers, is The Chief of The Public Defenders Office At 69 W. WASHINGTON. 16th. FLR. Chicago, Illinois 60602. And as such is ultimately Responsible For Andrea Monsees, For ordering Not Too Miguel Rivera, No help in doing A investigation in The case To Prove his INNOCENCE. Too lose The Post-Conviction Case No. 01-CR-2646. Throwing Said Cause Two As. Attorney. Office, And Refusing her STAFF Not To look into The Evidence in Florida. Two Prove The PLAINTIFF INNOCENCE. And For Refusing MR. M. Rivera, AN COPY of discovery ALL Police Reports And Said STATEMENTS of Det. KAREN, - SKIPPER, in enterwivibg Heather Carson, STATING she was not kidnapped. And as such is being sued in her official individual CAPACITY,

Defendant. CLAUDIA, M. Lemon, CSR. is A official Court Reporter. At The Circuit Court of Cook County. At 2650 S. California Ave. in Chicago, Illinois. 60608. And as such is ultimately Responsible For Tapering with Trial TRANSCRIBE, And Fixing The Trial - TRANSCRIBE For Judge. Edward, Fiala, ON A wrongful-convictions At Trial ON December #12th. And Dec #13th. OF 2001. And as such is being sued in her official individual CAPACITY.

Defendant. Ms. Lynn, Wilson, is A Public Defender ATT-That was Assign To Case No 06-2788. After #17 to 18 Months, And she At 69 W. - WASHINGTON ST. 15th. FLR. Chicago, Illinois 60602. And as such is - ultimately Responsible being ineffective Assistance of Counsel And Filing Motions Without letting The Plaintiff know ANYTHING. So she is being sued For her being unoffical individual CAPACITY Playing Roll ine Effective And Assistance of Counsel. Not informing MR. Rivera. of being Counsel and Filing ~~that~~ WRONGFUL Motions,

The RESULT OF PLACING The COOK COUNTY PUBLIC DEFENDERS OFFICE IN SAID cause they Refuse To do A INVESTIGATION. AND To ENTER interview witness AND To get STATEMENTS FROM The JURY witness's, knowing The case was Fixed For The STATE'S Attorney office, Along with PUBLIC DEFENDER MONICA, JOHNSON, AND ATT. FRANK, EDWARDS, Judge. Edward, Fiala, The F.B.I. AND Dets. ROBERT, CLEMENS, KAREN, SKIPPER, ON WRONGFUL-CHARGES AND WRONGFUL-CONVICTIONS AND WRONGFUL SENTENCING, EVEN ON THE APPEAL AND Post-conviction.

I HAVE Filed DISCIPLINARY COMMISSION WITH ATTORNEY REGISTRATION ON ATT. FRANK, EDWARDS, AND Filed WITH THE JUDICIAL INQUIRY BOARD ON Judge, Edward, Fiala, AND Judge. LAWS, AND THE PLAINTIFF MR. RIVERA, don't know Where To File Me ON COOK COUNTY PUBLIC DEFENDERS-ATTYS. NO RELIEF,

This case have gone All The way To The SUPREME COURT. AND BACK To The Lower court. AND is BACK ON APPEAL, BUT Judge. BELL, Refuse To APPOINTMENT OF COUNSEL OTHER THAN PUBLIC DEFENDER OFFICE.

STATEMENT OF CLAIM

ON AUGUST 27, 2000. Between 10:30 To 11:00 pm I MIGUEL Received A PAGER-CALL FROM MY GIRLFRIEND HEATHER, SAYING she WANTED To TALK CONCERNING our Relationship Problems. AT THAT POINT-TIME HER boyfriend MICHAEL who she was RUNNING BACK AND FORGUTH TWO. she was STAYING with, HEATHER GAVE THE TELEPHONE TO MICHAEL. AND THEN he STATED he WANTED To DISCUSS some Matters with Me ALSO. MICHAEL ASKED Me IF I WAS WORKING AND WANTED To know IF I COULD help out BY GIVING Him A ride To work I THEN STATED I COULD do it, ON AUGUST 28, 2000. ON OR ABOUT Between The hrs. OF 5:30 To 6:10 AM. I, MIGUEL WAS ON GRANVILLE Rd WAITING beside MY CAR. We GREETED each other and I ASKED IF IT WAS ALRIGHT IF I TALKED with HEATHER. He STATED ~~if~~ YES AND WE PROCEEDED To his APT. while we WERE APPROACHING The APT He, MICHAEL ASKED WHAT I WANTED To DISCUSS with HEATHER, I THEN STATED THAT'S between Her AND I. WE HAD To WALK THROUGH The SECURITY Lobby To ENTER MICHAEL'S APT house, AND AT No TIME Did MICHAEL show ANY CONCERNS OF IT BEING ANY TROUBLE BY MIGUEL BEING There AS WE APPROACHED his APT, MICHAEL KEYED The door AND WE ENTERED. He NOTIONED THAT HEATHER WAS IN The Bedroom. WHEN I SEEN HEATHER she PLEADED with Me ABOUT DISCUSSING our PROBLEMS ELSEWHERE AND she WANTED To LEAVE AT THAT TIME MICHAEL ENTERED The Bedroom AND Shouted, "I'M TIRED HEATHER OF YOU calling MIGUEL EVERYTIME WE HAVE A PROBLEMS AND The SAME THING with Him. You'll CALL Me EVERYTIME The TWO OF YOU HAVE PROBLEMS. THEN AT THIS POINT AND TIME HEATHER AND I STARTED GATHERING UP The kids AND belongings AND while I WAS headed TOWARD The STAIRS MICHAEL CAME RUNNING out The ROOM AREA with his hand HIGH Above his Head I COULDN'T Really SEE what he HAD, BUT WE STARTED FIGHTING AT THAT MOMENT WE STUMBLED To The STAIRS AND WHEN WE GOT UP, I COULD SEE MICHAEL HAD blood COMING FROM The FRONT OF his SHIRT. THEN AS MICHAEL Ran out The APT second door UP STAIRS HEATHER CAME DOWNSTAIRS with The kids AND she STATED her going To GET CALL The Police THEN WE LEFT,

ON AUGUST 28, 2000. From MICHAEL'S house WE STOPPED AND GOT GAS For The CAR. FROM There, WE STOPPED AT ARE APT. IN Cicero, IL To PICK UP Clean colthing so WE All To WERE. THEN To A Motel IN North Riverside AND slept OVERNIGHT. "AT No TIME Did she "HEATHER" ever FEEL THAT she Nor her ~~two~~ kids WAS BEING forced To be with MR. M. RIVERA. WHAT SO EVER, "HEATHER" HAD AM ample opportunities To go To OR CALL The AUTHORITIES "IF" she Felt THAT I WAS Holding her AGAINST her Will. AND A-S-ATTORNEY Meti Ms. ~~PEPPER~~ set the wrongful charges in play with Det. R. CLEMENS. ON JAN 11th 2001, (8).

"ON SEPTEMBER 1, 2000. MY MOTHER-EMILY RIVERA, HEATHER CARSON, AND HER KIDS AND MIGUEL RIVERA, WENT TO THE "CURRENCY EXCHANGE" TO PICK UP OUR S.S.I. CHECKS. WE TAKING MS. RIVERA. BACK TO THE NURSING HOME, THEN WE EVEN WENT STRAIGHT DOWNTOWN TO THE GREYHOUND-BUS-TERMINAL WHERE WE PAID \$345.00 FOR THREE *3-TICKETS TO GO TO FORT MYERS FLORIDA, WE GOT TO FLORIDA ON SEPT 3, 2000. HEATHER AND KIDS AND MIGUEL. STAYED IN NOTHER MOTEL FOR TWO 1/2 DAYS THAT SATDAY WE HAD RENTED A APT. ON *9-5-00. AT 602 SE. 13TH ST. CAPE CORAL FL. 33990. UNDER THE NAME'S MIGUEL RIVERA, AND HEATHER CARSON, WITH CITY HALL OF CAPE CORAL. NEXT DOOR THE CAPE CORAL - POLICE DPT. # AND ONE 1/2 BLOCKS FROM OUR HOME. AND AT NO PARTICULAR TIME DID HEATHER ATTEMPT TO CALL NOR GO TO ANYONE CONCERNING ANY TROUBLE. AFTER LIVING IN THE APT. A WEEK OR SO WE HAD TO THE SOCIAL SECURITY OFFICE IN NORTH RIVERASIDE, IL. AND THE 1-800 NUMBER. TO HAVE OUR S.S.I. CHECKS TRANSFERRED TO FL. NOW CONCERNING THIS IE; KIDNAPPING, WHILE ALL THE TIME I WAS WORKING FOR HAYWARD CONSTRUCTION COMPANY. IN FLORIDA, I WAS GOING THROUGHOUT FLORIDA BUILDING NEW HOMES. NOT ONE TIME DID HEATHER EVER GO TO ANY AUTHORITIES TO STATE SHE AND HER KIDS WE'RE BEING HELD AGAINST HER WILL? FOR THE NEXT FOUR MONTHS LIVING IN FLORIDA, WHILE GOING SHOPPING AND GOING TO CHRISTMAS PARTYS! HEATHER, CARSON, EVEN FILE FOR PUBLIC AID FOR FOOD STAPES. THIS IS THE BEST OF MY RECOLLECTION TO WHAT DID HAPPEN ON THESE DAY AND NIGHTS PERTAINING TO THESE INCIDENTS, EVEN MY SON OF ONZO RIVERA, BORN IN FL AS WELL TO. NOW DET. KARN, SKIPPER, POLICE GENERAL PRESS REPORTS AND SUMMARY-REPORTS AND HEATHER, CARSON, STATEMENTS REPORTS. "DO NOT STATE SHE NOR HER KIDS WE'RE KIDNAPPED, THEY STATE WE LIVED WITH MIGUEL IN FLORIDA. BUT AT TRIAL MS. CARSON. TESTIMONY TESTIFIED TO A JURYS MS. JENNIFER, SCHUMAL, -- MS. SHARON, LUNN, ON THE WITNESS STAND "WE LIVED WITH MIGUEL, RIVERA," AND HEATHER. ALSO STATED TO THE JURY SHE BELIEVED ~~she~~ DON'T BELIEVE SHE SAW MIGUEL THROW SOME KNIFE OVER A CEMETERY WALL? AND HE WASN'T ARMED AFTER THAT, THEN COURT OFFICIAL REPORT, MS. CLAUDIA. M. LEMON, AND JUDGE. EDWARD, - FIALA, ORDER THESE TESTIMONY OUT OF THE RECORDS. THEN AT SENTENCED DATE. THE DEFENDANT COUNSEL-ATTY. FRANK, EDWARDS, TESTIFIED THAT MR. DUFFIN. IF HE WAS TO TESTIFY HE WOULD TESTIFY TO MISS CARSON. IN THE APARTMENT DID NOT SEE A KNIFE. BUT SHE SAW THE KNIFE WHEN MR. RIVERA. THREW IT OVER THE WALL AND HE WAS LEAVING OUT OF THE APARTMENT. BUT THEN DET. ROBERT, CLEMENS, POLICE REPORTS STATES THAT AFTER FOUR MONTHS AFTER THE ASS-BATTERY IN JANUARY OR ABOUT FEBRUARY OF 2001. HEATHER, CARSON, WENT TWO THE ROSEWELL-CEMETERY. AT 10:PM THEN THE NEXT DAY THEY WENT BACK, TO HAVE ~~son~~ SON W THE MEDICALS DETIC DER'S DID NOT WORK. THIS IS THE SAME DET. ROBERT, CLEMENS, THAT ARRESTED MR. M. RIVERA AND BEATED HIM UP PUTTING IN THE HOSPITAL ON IRVING PARK RD - WESTERN AVE. IN 1990. ON 5-21-1990 FOR AN RESIDENTIAL BURGLARY,

But when said Cause comes before the court The Public defenders
 Office Refuse To listen To even investigate This case. And Judge's
 in Cook County Court House, The Post-conviction That was in front
 of Judge M.C. Laws, shouldn't have been this dismissed. And The
 Public Defender Ms. A. Monsees, Refuse To speak With Jury People
 That did witness. A ~~wrongful~~ ~~wrongful~~ ~~wrongful~~ Jury Trial, BY A Fixed Conviction
 BY said Defendants. ~~and~~ Judge. Edward, Fiala, P.D. Monica, Johnson, AND
 Atty. Frank, Edwards, who That Judge. Edward, Fiala, did in fact
 Ask for Atty. Frank, Edwards, To Represent Miguel, Rivera, AND
 said STATES-Atty. Dan, Tiernan, — ARUNAS, BUNTINAS, To fix This
 cause in FAVOR To the States AND Judge. Fiala, BY inflicting A
 Double Jeopardy ACT. in forcing AN wrongful-convictions AND
 wrongful-sentencing, were The PLAINTIFF was convicted in 1992
 was giving #12 yrs. AT 50% he serve #6, AND was let out in 1997.
 Now The PLAINTIFF was convicted AND wrongfully-sentencing of
 Three counts of Kidnapping. That wasn't committed on 8-28-00,
 is now serving #40-years AT 85% with AN extended term.
 MEANING Judge. Fiala, imposed A Death life or Death sentencing?
 Without letting The Jury see Heather. Carson's letters To
 Miguel, Rivera, "STATING she AND her two kids were NOT
 kidnapped. MEANING Their isn't NO REAL Evidence AT All," AND
 The F.B.I. ~~was~~ ~~was~~ ~~was~~ talk with when They pulled guns ON Miguel,
 Rivers. Sister Maria, Rivera, AND Her kids on or about 8-29-00
 8-30-00. ~~AND~~ AND Miguel. did call The F.B.I. on 8-29-00.
 Judge. Fiala. enforced This wrongful-conviction — sentencing
 for The state Attorneys AND Monica. Johnson-P.D.O. for his
 Retirement, in The months of May or April of 2001. Heather, Carson, makes
 A phone call To A Mr. Noel, Rivera, knowing To Miguel are friends.
 Heather informs Noel. That Miguel, Rivera, in Jail AT Cook County-
 Jail he needs help, AND the police reports — Heather, Carson,
 states ~~she~~ ~~she~~ ~~she~~ told Def. Karen, Skipper, AND Robert Clemen,
 That Miguel's, sister — Maria, Rivera, taking A drive To
 To the store? After # ON or about #17 To 1 Month The Public
 Defenders office Just BEGAIN To take MY ~~calls~~ ~~calls~~ ~~calls~~ calls
 in The month of APRIL 22, 2008. I called To get EMERGENCY help
 do To Medical trouble I been having ON going bleeding from
 Hemroids... I need ~~surely~~ ~~surely~~ ~~surely~~ surgery, AND I have AN
 Hernia... and ~~and~~ ~~and~~ ~~and~~ LUMBS testicles. The state of New Mexico
 Prison's are Refusing Me (Surgery) BUT I Found out BY The
 Public defenders offices and Judge Bell. Just ~~and~~ ~~and~~ ~~and~~ ASIGN A
 P.D. To MY case. A Ms. Lynn, Wilson, I then call Back ON May
 14th 2008. ONE OF The Superiors. Mr. Harold J. Winston, Have To go
 To get P.D. Ms. Lynn Wilson, because Their Main offices number
 will NOT take MY collect ~~calls~~ ~~calls~~ ~~calls~~ calls... and MR. Lester Sinkle, Hired
 Andrea, Monsees, and public (10) DEFENDER Ms. Lynn, Wilson,

ON MAY 14th 2008, Ms. Lynn Wilson, stated to Mr. M. Rivera. That she Filed A Motion To Remove Her self From the case No: 06-2788, Without Mr. Rivera. even knowing she was P.D. Attorney on MY case, she STATES there isn't NO Grounds FOR AN APPEAL. do Two P.D. ANDREA Monsees, ineffective Assistance of Counsel, and ALL The others Public defenders that was ASigned to your case Mr. Rivera. Your case is so far Missed-UP! she did not know what to do in MY case No: 06-2788. MEANING AS The PLAINTIFF Health and safety is IN danger The Public defenders is delaying, and Refusing To help him Prove his INNOCENTS AND doing AS the Two Judges says and The STATES ATTORNEYS OFFICES, Tells The P.D.s NOT TO go CROSS STATE lines IN This case. and The PLAINTIFF was Transtered To New Mexico A STATE PRISON THAT do UNLAWFUL 1-MEDICAL ~~Threat~~ MEANS AND ~~Rasce~~ Rasce STATE, The Public defender's Attorney OFFICES IS BY TIME FOR The Le MENTIONS for The ~~Booth~~ Police Reports TWO Run OUT! AND NOT To do AN INVESTIGATION IN behAFe of The PLAINTIFF case like ALL The Public defender's Attorney did ASigned. To The case, The PLAINTIFF IS BEING Threatened UNLAWFUL BECAUSE The STATE AND Judge Mr. E. Fialia, AND Judge - Ms. Laws... AND The Public defender office Missed This case UP AND STATING THAT The ~~F.B.I.~~ F.B.I. don't HAVE NOTHING To do IN This WRONGFUL CONVICTION, AND, WRONGFUL SENTING, They are The ONLY ones That did AN INVESTIGATION, ON MAY 15th 2008. PUBLIC DEFENDER. Ms. Lynn, F. Wilson, STATED ON The Telephone call AT New Mexico TIME 10:20 AM. That The Post-CONVICTION - PUBLIC DEFENDER... Ms. ANDREA, Monsees, fail To Prove That MR. M. Rivera. is ill AND NOT fit To STAND TRIAL Because she did NOT Get NO STATEMENTS FROM ANY Doctors. AND That ANDREA, Monsees, Reports do NOT, show That she was To do INVESTIGATIONING your case NOR contact NO Jury witness's NOR call FL... MEANING she under Minded Miguel Rivera #64650 Your case ineffective, AND opro, SE.

The F.B.I. is The only Police That INVESTAGED This case. do To The Chicago, Police Detos. ON MAY 16th 2008. I, M. Rivera have Received Public defender's Ms. Lynn, F. Wilson, Motion. IN The PLAINTIFF This cause This PUBLIC DEFENDER is showing ~~the~~ True failer on every Public Defender FA (1) Judge Appointed and trial Attorney

WHEREFORE, PLAINTIFF PRAYS THIS HONORABLE COURT TO GRANT HIS RELIEF OF WRONGFUL CONVICTION, AND WRONGFUL SENTENCES. DAMAGES IN PHYSICAL AND EMOTIONAL SUFFERING HE'S ENDURED DUE TO DEFENDANT'S ACTIONS. AND GRANT HIM AN INVESTIGATION -- APPOINTMENT OF COUNSEL OTHER THAN THE PUBLIC DEFENDERS OFFICES, "PROBONO LAW COUNSEL OR FROM THE WRONGFUL CONVICTION CENTER, FOR THE PLAINTIFF?" DUE TO THE PUBLIC DEFENDER FAILER, RETALIATION, NEGLIGENCE, RETALIATORY ACTIONS. DOUBLE JEOPARDY, AND GRANT PLAINTIFF PRELIMINARY HEARING REPORTS, IN FURTHER SUPPORT ALL DEFENDANTS DENIED DISCOVERY -- ALL POLICE REPORTS. DENIED TO PROVIDE THE SAFE OF PLAINTIFF MENTAL HEALTH ISSUES IN STATE COURT,

"JURY TRIAL DEMANDED."

RELIEF

\$200,000.00 JOINTLY AND SEVERALLY AGAINST ~~THE~~ DEFENDANTS JUDGE. MR. E. FIALA, ATTY. MR. F. EDWARDS, DET. ROBERT, CLEMENS, DET. KAREN, SKIPPER, STATES ATTORNEYS -- DAN, TIBERNAN, -- ARUNAS, BUNTINAS, JUDGE. MS. C. LAWS, F.B.I. -- ~~THE~~ JEFF, CHIEF OF THE FORTH MYERS FLORIDA. STATES ATTY. OFFICES, PUBLIC DEFENDER HE. LYNN, WILSON, \$50,000.00 JOINTLY AND SEVERALLY AGAINST DEFENDANTS NAMED ABOVE FOR WRONGFUL CONVICTIONS AFTER BEING REMOVED AS COUNSEL MONICA, JOHNSON, AND REFUSING TO DO INVESTIGATION OF SAID CASE TADD. A. SHANKER, ANDREA, MONSEES, CHIEFS OF PUBLIC DEFENDERS -- VICK ROBERS, ALL COUNSEL WERE INEFFECTIVE. \$28,000.00 JOINTLY AND SEVERALLY AGAINST DEFENDANTS CLAUDIA M. -- LEMON, FOR TAPERING TRIAL TRANSCRIBE AT TRIAL FOR JUDGE. FIALA, AND DONALD, CARSON, FOR WRONGFUL TESTIMONY AND PERJURY AT TRIAL. AND HEATHER, CARSON,

TO ISSUE THAT COVERAGE OF PROCEEDINGS BE PLACED ON COURT-T.V. SO TAXPAYERS CAN ACTUALLY WITNESS WHERE THEIR HARD-EARNED MONEY HAS WENT TO PAY INDIVIDUALS WHO BELITTLE, UNDERMINE THE LAW AND COURT. AND CARELESS ABOUT THE REHABILITATION OF THE SAFETY OF OFFENDERS. AND THAT PLAINTIFF TO BE RELEASED, OR GIVEN A NEW TRIAL.

I DECLARE UNDER PENALTY OF PERJURY ALL FACTS GIVEN ARE TRUE AND CORRECT.

SIGNED THIS DAY ____ OF ____, 2008

/s/ Miguel Rivera #64650

PRO-SE, SIGNATURE OF PLAINTIFF
MIGUEL RIVERA #64650

~~CANCELLARY/AR-10-F-103~~

~~PRO-SE/AR-10-F-103~~

~~LOS LUNAS, NM 87031~~

Penitentiary of
New Mexico
4311 State Hwy P.O.
Box 1059 (1) Santa Fe, 87508-1530

DECLARATION UNDER PENALTY OF PERJURY.

THE undersigned declares under Penalty of Perjury that he/she is the APPLICANT in this ACTION, that he/she has read this Petition AND THAT THE INFORMATION here contained in this Petition is TRUE AND CORRECT. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Penitentiary of New Mexico, 4311 State Hwy P.O. Box 1059
Executed AT: ~~ENTRANCE/GUARD/ADA-1-B-E-101~~ P.O. Box DRAWER #1328
~~LOS LUNAS, NM 87031.~~
Santa Fe, NM 87508-1530. / / 2008

Isi. Higuell Rivera #64650

APPLICANT'S ORIGINAL SIGNATURE.
OF Pro. SE,